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SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—“ May I know the number of candidates receiving training in those two schools? ”

THE HON. SRI C. J. VARKEY:—“ 42 in Coimbatore and I presume 40 in Masulipatam.”

MR. J. A. SALDANHA:—“ Is the grant of Rs. 6,000 adequate to enable the Government to expedite the necessary measures for carrying out this big scheme? ”

THE HON. SRI C. J. VARKEY:—“ A sum of Rs. 6,000 cannot go very far. We can make a start this year and increase the amount later on.”

### III.—PANEL OF CHAIRMEN.

MR. PRESIDENT:—“ I have to announce to the House that 11-30  
under Rule 9 of the Madras Council Rules I have nominated the a.m.  
following four Members of the Council to be a panel of Chairmen  
for the fourth session of the Council:—

1. Sri Rao Bahadur M. Ramakrishna Reddi.
2. Sri Diwan Bahadur S. E. Ranganathan.
3. Sri T. A. Ramalingam Chettiyar.
4. Sri B. Bheema Rao.”

### IV.—HOUSE COMMITTEE.

THE HON. DR. T. S. S. RAJAN:—“ Sir, I beg to move—

*‘ that under rule 143 of the Madras Council Rules, the House do proceed to elect six members to the House Committee according to the principle of proportional representation by means of the single transferable vote in accordance with the regulations made in this behalf by the President.’ ”*

The motion was put and carried.

MR. PRESIDENT:—“ I have to inform the House that, in accordance with the Regulations framed by me under Rule 143 of the Madras Council Rules for the holding of elections according to the principle of proportional representation by means of the single transferable vote, I fix 1 p.m. to-morrow (8th August) as the time within which nomination of candidates for election to the House Committee should reach the Secretary.

“ If the number of candidates nominated exceeds the number of vacancies, namely, six, there will be an election between 2 and 3 p.m. on Wednesday, the 9th August.”

### V.—THE MADRAS TEMPLE ENTRY AUTHORIZATION AND INDEMNITY BILL, 1939 (L.A. BILL No. 17 OF 1939), AS PASSED BY THE ASSEMBLY.

\* THE HON. SRI C. RAJAGOPALACHARIAR:—“ Mr. President, I move—

*‘ that the Bill \* to authorize and indemnify trustees, officers and other persons in respect of entry into and offer of*

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*worship in Hindu temples by certain classes of Hindus who by custom or usage are excluded from such entry and worship (L.A. Bill No. 17 of 1939), as passed by the Assembly, be taken into consideration at once.'*

"I need hardly say, Sir, that the Bill is of great importance and I do hope that the House will give it its best consideration and pass it. The Bill has been thoroughly discussed in the Legislative Assembly and the discussions have been reported from time to time in the newspapers. The issues are well known, and some of them are very ancient issues and matters of longstanding public agitation. Opinions have been expressed from time to time on these issues for several years past. Certain momentous events took place in connexion with this same matter, in 1932 and 1933. Hon. Members are aware of the great fast undertaken by Mahatma Gandhi when he was in prison at Poona and that the Secretary of State for India issued the 'award' as it is called, a decision in respect of franchise to the classes of Hindus known as the scheduled classes. Thereupon the whole question was thrashed out. The public mind throughout the length and breadth of the land was agitated over the issues raised and all communities came to consider the matter as one of the great land-marks in the history of the progress of our country. An agreement was arrived at in a solemn form by the Hindu community, if I may say so, among its various divisions and the franchise arrangements were settled in accordance with that agreement and the Secretary of State expedited and issued orders by special arrangements. Part and parcel of that arrangement were certain political adjustments. Equally as a part of that same solemn agreement entered into by the Hindu community was a reform in respect of the religious and social status of the scheduled classes.

"The subject has been discussed from various points of view and I may well claim that it is now the unanimous opinion of thinkers on this subject that the reform in respect of the religious status is an essential part of the uplift movement of these classes. Unless religious status is put on a clear basis, social status has a tendency to remain just as it was; and unless social status is put on a clear basis of equality, political and economic status too have a tendency to lag behind, whatever people who do not attach the same amount of importance to religion as some of us might say. As a matter of fact, status depends on actual facts and not merely on theories; and the actual facts of social life, not only religious status, are matters that make a man equal or unequal, high or low. Equality of religious status cannot be secured to the extent it is wanted, unless equality can be secured between man and man. I am referring to equality in a relatively practical sense. It is necessary to secure that equality, to secure proper and equal facilities for worship in the public Hindu temples, for the scheduled classes.



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In view of this, the temple entry movement as it is called was vigorously taken up from the time that I referred to, namely, 1932. It is not as if the movement had not been there in India before. It has been there for years; it has been there for centuries, I may say. The history of the various denominations of Hinduism shows various attempts in this direction, to lift up classes who had been previously consigned to a low status, to lift them up to an equal or nearly equal position with other classes. It is from time immemorial that we see this movement in the history of Hinduism in our country with varying degrees of success, with varying degrees of permanency and achievement secured from time to time. But we need not go to the very ancient history of this subject. I say that this temple entry movement was vigorously pursued, taken up and carried on from 1933. Various attempts were made to educate public opinion, to elicit public opinion, and to organize public opinion. All these attempts have been made by enthusiasts and participated in by the public also.

“ It has been stated very correctly that this is not to be identified with any particular party. This movement started surely too long ago to become the property or responsibility of any particular party. The agreement of 1932 that I referred to was not a party agreement; it was an agreement in which the entire Hindu community of all parties took part and took the responsibility and solemn pledges were given. I remind hon. Members here that Sir Tej Bahadur Sapru and many others like him took a very great part—it may be stated an even more active part than some of those who may be called Congressmen of those days. It is not to be identified with any particular party and it is impossible even in the nature of things that it can be so identified either truly or profitably. No success can be achieved, if it is identified with any particular party. As a matter of fact, success or no success, it is no part or a particular object of any particular party. Of course from time to time things have re-arranged themselves; particular parties take particular interest in particular questions at particular moments. In that way there have been kaleidoscopic changes in such matters. I know that in matters of social reform, the party known as the Liberal School of politicians took priority. At a later time when some social changes took an aggressive form and after they became somewhat less desirable in the opinion of certain parties, the Congress has had to carry on some social changes. The Congress has had to take up some changes which were sought after by the Liberal School of politicians. But these are merely kaleidoscopic re-arrangements in order to suit the particular time, circumstances and the varying parties of our politics. So far as this movement to give equal religious status to the Harijans along with other Hindus is concerned, it is very old. Surely the great Sankaracharya was not a Congressman; Ramanujacharya was not a Congressman; Vivekananda was not a Congressman; Dayananda

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Saraswati was not a Congressman. Thus it must be a fallacy to associate this reform with any particular school of politics; it is dangerous to do so. At the earliest stage of my arguments I must say that it is not correct to do so. It is a fallacy pure and simple, and we must put it aside.

11-45  
a.m. " Taking now the merits of the matter, as I said already, the issues are very plain. It is not as if Harijans are not now participating in the worship of these temples; they participate from outside; they participate very really, though not with greater fervour, at least with the same fervour as some people inside the precincts participate in the worship. It is not as if there is an isolation in the participation of worship between classes inside and the classes kept near the gateway. The participation is united. Those who know the details, the most interesting details of some of the items and ceremonies of worship and rituals carried on during festival occasions, can explain to others who do not know, how the Harijans sometimes take the most essential part in the ritual and ceremony of worship. For instance, if the Harijans kept away one day saying that they have nothing to do with a ritual or festival, that ritual or festival cannot begin at all, because it is laid down according to tradition that a particular thing is to be done by a representative of the Harijan community. Until this is done, the items of worship cannot begin. That is necessary for the inauguration of some festivals. Many festivals include the community-part that is to be played by members of the Harijan community. I am referring to all this to show that a notion may possibly enter into the minds of those who are not Hindus or those who are not familiar with Hindu practices that these are denominational temples, that these classes of Hindus have been wholly kept outside for all time and that for the first time now these people are made to participate in the ceremonial and in the worship of these temples. That is wholly wrong, and therefore it is that I refer to this aspect of the matter. It is all the same whether worship is done from one part of the temple or worship is done from another part of the temple. And so far as ancient temples and big temples are concerned, they are not the property of any particular person or persons; they began as the property of the whole nation. To-day of course there are people who follow other religions, who form part of the nation and hence these things have come to be looked upon as institutions belonging to one part of the nation and not to the whole nation. But when they began, they were institutions belonging to the entire nation as a whole, and the Harijans took part in the worship at one point, while the other castes took part at other points and so on.

" To-day public policy, public welfare, commonsense and justice—all these demand the rearrangement of the position. It is impossible for any change to take place if we leave things as they



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are. As I said already, Sir, there was a lot of agitation, especially during the last seven years. Let me confess that unless something is done, this agitation merely floats on the surface like oil on water: it does not mix, it does not get into the minds of the people, and people do not change their activities and things remain beautifully enough like oil on the surface of the water, ununited with the water. The agitation simply floats away on the surface and does not enter into the conscience of the people. But when something is done, then comes the fight, then comes the resistance, and then comes the real stirring up of conscience, and the agitation has then some reality. So, I say that action has to be concentrated upon, not merely stopped with discussion. We have had enough of discussions; public welfare demands that something should be done.

“ How is it to be done—that is the question. We passed an Act last year; we passed an Act by which we began with a certain district, and we said, ‘ Here, we shall follow this procedure; we shall take the opinion of the people and take their votes and if we get a majority, a trustee shall be bound to open the temple. The trustee will notify and arrange for the taking of the opinion, etc.’ That was done last year. The confusion in the arguments that I have heard in this connexion is due to the fact that the Malabar Temple Entry Act is not intended to be repealed or given up; it is intended to be extended to all the districts. The method of ascertaining by votes, where the trustee depends upon public opinion and public opinion alone through taking votes, and where otherwise he is not prepared to take the responsibility himself—that method which is described in the Malabar Temple Entry Act and which is intended to be extended to other areas is still there; but the principle of the present Bill is something different, which I wish to explain. The principle of this Bill is to try a second method, to try a method by which we can get this thing done without the acerbities naturally roused by what may be called an election campaign, a ballot-box campaign. It is not possible to give up the use of the ballot-box in some matters; it is an eminently suitable thing in some matters. But in the matter of religious practices, I have heard it said—and all reformers have heard it argued by those who opposed the reform—that the ballot box has no relevancy whatever in matters of this kind; that there is no use in taking opinion in these matters; this is not a thing that should be brought into the mire of democracy, as they would call it. Religion should be kept away from the ballot box. That was the argument of those who opposed these measures in the past, and it is the argument of those who still oppose such measures.

“ Therefore, a new method is suggested here. It is in this way. Before I explain that method, I should like to explain the

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rationale of it. What is it we are doing? If we are doubtful as to the justifiability of this measure, we may take the opinion of the people; we may take the opinion either of the people as a whole or of people in various places one by one, by what may be called the local option method. But if what is to be attained is admitted to be right, to be justifiable, that it is our goal and has to be accomplished, that we have promised it in fact and we have only to carry out the promise; if there is no doubt on the merits of that question, then what remains? In all matters, even in a matter where everybody has agreed that it is the right thing to do, we have to go into the question and bestow further consideration as to whether it is practical, how it is to be done, what is its feasibility, what difficulties it raises, how we are to overcome those difficulties—and that is the question now. I claim that the justifiability of the measure is no longer an open question. We must have the temples thrown open, and we must consider how to do it one way or another. The question of feasibility, the question of practicability, the question as to how we can reduce the evil by-products to the minimum—that is the question. And in solving this question, we have to find out various methods. I say, where it is possible to induce the trustees and the priests and those concerned, to receive this reform with a certain amount of tolerance, if not welcome, where the trustees and the worshippers and the priests can be reconciled to this thing, we have overcome one great difficulty and evil that may possibly result or which may possibly have to be faced in the progress of this reform. Because, as I have said already and admitted times without number, there is no reform possible unless it is agreed to, unless the ceremonial is kept intact, unless the religious sense is kept intact. This is not a thing in which I can say, 'I overrule you and I make it.' It is a thing that has to be done in a particular place. It is impossible to achieve the reform if the worship cannot be carried on properly. Therefore, the most important thing here is to retain intact the practicability of the day-to-day worship, to retain intact that much of tolerance and reconciliation to this reform which is an essential preliminary, which is the minimum necessary for keeping this reform in spirit. Therefore it is important to get the trustees, the priests and those who officiate, to reconcile themselves to this reform. Therefore, I say in this Bill the principle is, to start with: when they say, 'Yes, we are ready', we will go on. When they say, 'We are willing to do it,' then there is enough material here to carry on this thing properly and without discontinuity, without break. This is the justification for initiative being taken there. That is the principle of this Bill, and when they do that, then we consider, 'Is it wise? Have you got enough public backing behind you?' That can be seen in one or two ways. When those who are generally irreconcilable are reconciled and when those priests who



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have to take a day-to-day and minute-to-minute part in it are reconciled, then the circumstances are favourable for the reform. I can imagine the position; if you go into a village, you have 80 people out of 100 in favour of it; but yet, the influence of the other 20 people may be such that the thing cannot go on. It is the man who is responsible that can sense the value, the quantitative value that he has to give to each opinion or each vote; and he has to see and sense the feeling of the people around and come to a conclusion. If he comes to such a conclusion hastily, there again we have to check it; if he comes to the conclusion according to commonsense, without sufficient advertence to the votes around him, then only the check comes in. But the initiative and the responsibility belong to the trustees and it is only they that can judge and sense the atmosphere and the situation around. That is the principle of this Bill.

“ I have explained, Sir, the salient features of this Bill with reference to obvious objections that may be raised to it. It has to be accepted; and even then I say it is not the end of it. It is no doubt true that we can pass all the rules and this Bill containing these elements and these features that I have described, in a proper manner; we can say, ‘ Yes, the initiative may be taken by the trustees and the priests; ’ but still it is the officer, the trustee who is going to be returned to his post or changed, it is he who has to sense the atmosphere, who has to see things in a practical form, to see that the devotion of the people is preserved. It has got to be put into practice. Will the trustees have the courage? Will it be followed up? Will anybody have the daring to take up the responsibility and the initiative? It may not be ultimately possible, unless the way is shown. That is why the Government follow what has been done during the last few weeks in regard to this matter. It has been done in some place; it has been shown again in some other place. The thing has started and hence there is fire enough for life to be put into a Bill. Otherwise it will be wooden; the Bill may no doubt be perfect; the rules, the forms and everything may be quite all right; but it will be merely a skeleton or a piece of wood. We find this has taken place during the last few weeks; if only a spark of real life, as distinguished from mere reason and mere jurisprudence, is put into it, then the torch will be kept burning. Such a life is necessary for a reform of this kind; and the Government are keen on making use of that life, without allowing that spark of life to die out and simply create a skeleton afterwards and say, ‘ Here is a beautiful skeleton; it is possible for the people to put flesh and life into it; then the skeleton will become a wonderful man. ’ But it will not be anything more than a skeleton if we allow that spark to die out and go into darkness again. Therefore, we want to put that life that has come up suddenly within the past few weeks, into this Bill,

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and to connect the two together. That is why this is an indemnity and authorization Bill. Indemnity is the life, if I may say so, and the authorization is the skeleton of the form that is to receive that life. If only this spark is to put the life into that form, then life will be a matter of fact.

“ Sir, I know there are legal talents, there is legal experience and there is legal consciousness enough in this House for any number of objections to be raised; objections to the effect that it is all irregular, wrong, unsystematic and that this is not the way to do it. I have faced arguments like that; they are familiar to me. It is not irregular *now*; it has been irregular, it has been unjust for centuries. This isolation, this segregation is simply an intolerable sin which has been committed all these years, and an irregular and intolerable thing like this cannot be scrapped simply by legal forms and rules. This untouchability is an octopus; it has got its tentacles all over our society, in every matter. If I travel in a railway train and have to bring my luggage down from the compartment, an untouchable boy offers to carry the things, and a touchable boy, if I may say so, comes and says, ‘ Sir, he is an untouchable, I am a touchable, therefore engage me.’ That is what he says. Wherever we go, we see it, every walk of life is affected by this untouchability. A regular campaign to kill this octopus is difficult. A terrible thing like this with its tentacles everywhere has to be faced in a number of ways. I confess I cannot be logical in dealing with this; I confess I cannot be systematic and orderly in dealing with this question. When war was carried on in a chivalrous manner, it was enough for people to send a few compact regiments; but to-day war begins in the sky, in the water and in the well—poison everywhere. If it is spread all over like that, the defence also has to be like that—irregular. In the same manner is this untouchability to be faced in our country. It is most irregular; we can begin nowhere logically. If I begin in the house saying, ‘ Let me take a domestic servant from an untouchable family,’ there will be the argument, ‘ Let him be admitted first to the well, into the school and lastly into the temple and then we can take him into the house.’ If I admit him into the temple, then people will say, ‘ Let him be admitted into the house and then he can enter into the temple.’ Again, if I go to the school first, the argument will be, ‘ Let him be admitted into the house and then into the temple. What is the good of admitting him into the school? Why let the school go to the dogs? Why give education to this backward boy at the risk of driving out twenty brilliant boys belonging to other communities? ’ Sir, it is impossible to face such things in a logical way; I admit it. If there is any other statesman, if there is any other philosopher, if there is any administrator who is ready to tackle this subject and promise me that he will deal with it in a logical manner and will dispose of it before 1939 or 1940, and who



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says 'You can keep quiet,' I am ready to hand over the responsibility to such a gentleman. If there is no constructive offer or if there is no other hope of solving it in any other way, let me go on with this irregularity, with this illogicality and with all the confusing forces I propose to use in achieving the object and let me be helped in this matter; and then the object will be achieved and the name of our country and the name of our religion, which is greater than our country, will be saved from contumely throughout the world. I beg to move, Sir, that the Bill be taken into consideration."

\* SRI T. C. SRINIVASA AYYANGAR:—"Mr. President, I am constrained to oppose the Bill, not because that this reform is not wanted, not because this reform is not desirable, not because that it is opposed by a very large section of the public, but because the events which have led to this Bill are somewhat abnormal and the legislative machinery has been invoked in regard to this in an abnormal manner. That is our concern. Sir, the Bill before the House deals with two subjects; one is the indemnity for the trustees who may take into their heads to commit a breach of the custom by allowing Harijans to worship; and the other is to authorize the trustees, when they find it proper, to admit such people to worship.

"So far as the question of the indemnity is concerned, I believe it particularly applies to the case of the officers who recently played a significant part in Madura. Of course, I am not going to say whether the fact and circumstances regarding the part that was played by them are correctly stated or not and I do not wish to trouble the House with reference to that aspect. As has been already observed by the Hon. the Premier, a very considerable amount of controversy has arisen statements and counter-statements were issued and they all appeared in the press, and I do not think I can add anything useful on this occasion. However, it is really a strange phenomenon that in modern times a divine vision in favour of admission has dawned upon four Government appointed trustees and executive officers and in one single place and that too within a week after some very eminent men gathered there. You may draw your own inference; there it is. The question is indemnity. There is no need for indemnity when there is no irregularity, illegality or improper or unjustifiable action. Lawyers and legislators are of course familiar with the circumstances when an indemnity is granted. Where a sudden emergency has arisen in which the officers entrusted with the duty of preserving the peace of the public or saving human life or other similar matters are obliged to take action suddenly and they cannot have sufficient time to consult their superiors, and in that emergency they have exceeded their

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powers or are obliged to take action which may be disproportionate; it is in such cases that an indemnity is required. But here, what is the emergency that has overtaken? What was the overpowering duty impelling these officers? Surely, these executive officers have their superior officers; there is the Religious Endowment Board and its officers and there is also one of the Ministers in charge of the department. Had there been no time to telegraph to them; did the telegraph wires in Madura refuse to function and did the post become paralysed? Then, what was the difficulty in the matter, was there at all a duty on these officers? Instead of asking them for an explanation as to why they were obliged to do such an act and why they failed to obtain orders previously, Government have come forward with this indemnity Bill. Now indemnity for this; to-morrow indemnity for something else; where are we to begin and where are we to stop? Now, Sir, it looks as if some energetic officer more in enthusiasm than in discretion has committed some acts outside the range of his duties, but an appreciative superior authority, which no doubt was overwhelmed till then with considerations of what I may call many difficulties, suddenly thought that here is an officer who is heroic enough to do this and that so he deserves our support, and the Legislature is now called upon to indemnify that act. A great deal has been said about this reform. While I oppose the Bill let me not be misunderstood if I say that some of us at any rate are not against this reform; some of us do require that reform but not in this form or manner. But a custom has been in existence with some of its ugly features and with a great deal of its rigours. A large amount of conciliation is necessary. There are some people who know, perhaps those coming from that district in which recent events took place, might remember that riots took place in South Madura, West Ramnad and in the northern and eastern parts of Tinnevely, in which considerable loss of life and property resulted over a similar matter. The districts were then partly under military or punitive police occupation. A special Commissioner was appointed for some time for the two districts of Tinnevely and Madura and I believe that officer was Sir Murray Hammick. Several additional courts were created for the disposal of cases arising out of these riots; punitive police were for a long time, quartered in Kamudi and Sivakasi. That was the state of affairs then. Now, I believe, due to agitation, due to reforming tendencies and due to the good sense of the people that the reform was wanted a very desirable change has come over the people. If to-day the Hon. the Premier has been enabled to successfully issue an ordinance and also bring in this Bill, by avoiding riots and all that, I say it is all due not so much to the authority with which he has been able to do all these things, but as I said earlier,



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it was due to the good sense of the people that the riots, etc., of the olden times did not take place (hear, hear). I am glad to hear that that aspect of Madura sensibility has been appreciated. It might have been better if the events of 8th July had not happened and conciliatory propaganda prevailed. Things would have progressed much more by the 8th July 1940. I may ask, Sir, why suddenly a particular time was chosen, between two poojas in the early part of the day when generally the temple is not very populous, the bulk of the regular pujaris being away and certain people who are concerned in the matter were kept in readiness and all these things have taken place. It may be a praiseworthy act on the part of the persons concerned; but from the point of view of the regular worshipping public it is not the correct method. The two sections of the people should be brought together in such a way in which the Harijans are no longer the depressed classes and the caste men are no longer to be the sort of persons who will look upon the other section as if they are in an untouchable condition. After all what is the value of all this if temple entry is effected in this way; with the usual temple goers being in effect shunted out and people who are till now excluded from the temples being shunted in and in fact led in by three or four leading men.

“ Sir, apart from the more conservative of the public who are against temple entry altogether and the reformers who under all circumstances and at any time and in every manner want temple entry, there is a large body of people whose opinions are very favourable and who are coming round and they are all shocked and amazed at the manner and the method of entry. On the 8th July, two hours after this intrusion, if I may call it—because it is not entry but it is intrusion—has taken place, people were stunned and the result has been, people who have been really affected are the habitual temple-goers and they have mostly ceased to go to temples. Now we have this Indemnity Bill. No civil authority has broken down, the military has not taken charge nor had any one to rely upon the muskets and swords to bring back the situation under control, or for the civil authority, again to take charge of the matter. No Indemnity Bill was required. Now, Sir, only a few months back we enacted the Malabar Temple Entry measure and it received very considerable support from this House and it also received very considerable support from the public. So, it cannot be said that the people were hypocritical in supporting the Government. I told you, Sir, that some 45 years ago many lives were lost and several people lost their property, lots of towns and villages were affected because angry passions were provoked and it required military and punitive police to bring the situation under control. The situation has since improved much. It cannot, therefore, be said that the reform is not progressive and the public are against it. No

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chance was given for the method of ascertaining the progress of public opinion. What we are against is in regard to the illegal methods adopted and the law being enacted in a peculiar way.

“ Sir, I was listening attentively to the very eloquent speech of the Hon. the Prime Minister and he said, here is an age-long wrong and we must in some way, get out of it. Of course, all are agreed that something must be done. Is it not just that he should have adopted his persuasive method and is it just that he should apply to the Legislative Council or to a court of law, in the way they are dealt with?

“ Now, I submit, your lordship (Laughter)—of course it is I think very appropriate that since you are now enacting a law you seem to be a sort of a super-judge. Sir, I say there is no room for an Indemnity Bill at all. I want to know whether there was any communication between the executive officers and the superior officers prior to the time they took upon themselves the liberty of doing this act. The law as it stood on the 8th July was that the trustee was to follow the recognized custom. What was the means by which my esteemed friend Mr. R. S. Nayudu and other gentlemen there took upon themselves to ascertain public opinion and what was the material on which the overwhelming change that was sought and effected was justified and what were the compelling circumstances, so much so he was bound to act imminently and instantly and without even the necessity of communicating with the higher authorities. (Sri B. Narayanaswami Nayudu: ‘ Will you tell us what really happened there? ’) My friend Mr. Narayanaswami Nayudu wants me to give first-hand information, but since my friend Mr. K. R. Venkatarama Ayyar has given the whole history of the case in the statement that he issued yesterday, I do not want to go into that aspect again at length on this occasion and thereby create acerbities.

“ Here, I am confining myself only to two principles, namely, whether an indemnity is called for and whether the authorization of the trustees is the proper method. Now, Sir, in connexion with the older incident which I mentioned, a question arose in the then Sub-Court at Madura in a suit filed in 1898. That suit was heard for several months on the question of the custom regarding temple entry and various other allied matters. The Court held against the temple entry. There was an appeal to the High Court from the judgment of the sub-court. Then, while the appeal was pending in the High Court, a compromise was entered into between the trustees and the Nadars, permitting the Nadars entry into temples up to a certain stage. This innovation was considered to be serious and the High Court also took the same view; the High Court allowed extra parties to be added in the appeal, not



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so much for the purpose of contesting the appeal, but for the purpose of opposing and recording the compromise. Well, Sir, if you look at the array of legal talent that was engaged in the suit, it will be found that nothing in that direction was wanting. They were Mr. P. R. Sundaram Ayyar, Mr. Krishnaswami Ayyar, Sir P. S. Sivaswami Ayyar, the two Srinivasa Ayyangars, Mr. J. P. Wallis and you can see that there was no chance for the learned judges who heard the application either to over-state or understate the principle of the law. With your permission, Sir, let me read some extracts from the judgment in order to show what is the real position of a trustee in matters like this and even if legislation was a desirable thing whether the trustee can be entrusted with this duty. It is from Vol. XII of the Madras Law Journal."

\* THE HON. SRI C. RAJAGOPALACHARIAR:—"It will per- 12-15  
haps not add much to the volume of the reports in the matter." p.m.

\* SRI T. C. SRINIVASA AYYANGAR:—"I am trying to show that the Hon. the Premier is now changing the statutory law of the land and the law of trusts is involved."

\* THE HON. SRI C. RAJAGOPALACHARIAR:—"I admit it."

\* SRI T. C. SRINIVASA AYYANGAR:—"I am glad for the frank admission of the Hon. the Premier."

\* THE HON. SRI C. RAJAGOPALACHARIAR:—"Let me make it clear that this is not only a change in the law with regard to religious endowments; it is also a change with regard to the law of property, to the law of trust, to the law of crime and the law of tort."

\* SRI T. C. SRINIVASA AYYANGAR:—"This is a case where the Raja of Ramnad, the hereditary trustee of the Kamuthi temple, sued for a declaration that the Nadar defendants were not entitled to enter such temple and obtained a decree in the first Court and pending an appeal by the Nadars made a compromise under which the trustee as a result of enquiry and further information, gave up all his rights and a compromise was sought to be recorded. The beneficiaries interested in the temple applied to be made parties for opposing the compromise. The fundamental question was whether the compromise was lawful.

'The disputes between the Shanars and the anti-Shanars with respect to the claim of the Shanars to enter the plaintiff temple and other Hindu temples were of some standing and led to serious riots with much loss of life and property. The plaintiff, as trustee of the temple, filed the suit for a declaration that neither the defendants nor other Shanars were entitled to enter the temple, and asking for an injunction and for damages to defray the cost of purificatory ceremonies necessitated by the defendants having unlawfully entered the temple and defiled it. Issues were framed with regard to the alleged rights . . . and the Sub-Judge found

30 THE MADRAS TEMPLE ENTRY AUTHORIZATION AND INDEMNITY  
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that the defendants have not been allowed to use the plaintiff temple in the past for worship and that the custom set up by them in support of the right of entry has not been made out . . . . He therefore, gave the plaintiff the declaration and injunction asked for. The plaintiff representing the anti-Shanars was thus victorious all along the line. In the proposed compromise, he gives up everything and more than everything for which he has hitherto strenuously and successfully contended on behalf of those opposed to the pretensions of the Shanars.

'The compromise recites that the "plaintiff on full and further enquiry is satisfied that, as a matter of fact, the defendants and their caste people have enjoyed the right of access to and of worship in, the temple of Ramnad zamindari, including the plaintiff temple at Kamuthi, in the same manner and to the same extent as the Vellala, Chetti and other Sudra sects of the Hindu community and whereas plaintiff is advised and instructed that, according to the Hindu shastras, the people of defendants' caste are entitled to the said rights of access and worship with respect to all Hindu temples and whereas plaintiff has ascertained that the sentiments of the general body of the Hindu community are in favour of the defendants' caste people exercising their said right of access and worship in respect of all Hindu Temples." The plaintiff then agrees to allow the defendants and their caste people the same rights as other Sudra servants of the Hindu community in the plaintiff temple.'

"The following is the relevant portion to which I would like to call the attention of the House.

"The learned Judges, Mr. Justice Benson and Mr. Justice Boddam, said:

'In our opinion the proposed compromise must be regarded as essentially a breach of trust on the plaintiff's part. He is not acting in this matter for himself alone nor is he dealing with his own property. He is acting for the general body of worshippers in the temple and he is dealing with what are matters of the most vital interest to them.

'To do so (to allow the Shanars to enter the temple) would be to ignore and alter the fundamental character and uses of the temple as ascertained by judicial authority. It is not in the power of trustees to do this. This principle was laid down by Lord Chancellor Eldon in these words—

"Where an institution exists for the purpose of religious worship and it cannot be discovered from the deed declaring the trust what form or species of religious worship was intended, the court can find no other means of deciding the question, than through the medium of an enquiry into what has been the usage of the congregation in respect of it; and if the usage turns out upon enquiry to be such as can be supported, I take it to be the duty of the court to administer the trust in such a manner as best to establish the usage considering it as a matter of implied contract between the members of that congregation. But if on the other hand, it turns out that the institution was established for the express purpose of such form of religious worship, or to the teaching of such particular doctrines, as the founder has thought most conformable to the principles of the Christian religion, I do not apprehend that it is in the power of individuals, having the management of that institution, at any time to alter the purpose for which it was found, or to say to the remaining members, 'We have changed our opinions and you who assemble in this place for the purpose of hearing the doctrines, and joining the worship prescribed by the founder, shall no longer enjoy the benefit he intended for you unless you conform to the alteration which has taken place in our opinion.'"

This is what their lordships observed—

'These words, no doubt, were used with reference to the regulations of religious trusts in England by the Court of Chancery, but we apprehend that, *mutatis mutandis*, the court will be guided by the same principles in



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this country. Where an institution exists for the purpose of religious worship but the exact form of worship or the class for whose benefit it was established, cannot be discovered from the instrument creating the trust (or where, as in the present case, there is no such instrument), the court can find no other means of deciding those questions than through the medium of an enquiry into what has been the usage of the worshippers in respect thereto and if the usage is a lawful one, it is the duty of the court to support the usage on the suit, legally instituted, of any person interested. It is not in the power of individuals having the management of the institution to alter the purpose for which it was founded or to say to the other worshippers "We have changed our opinions and you who resort to this place for the purpose of worshiping in the customary manner, shall no longer enjoy the benefit intended for you unless you conform to the alteration which has taken place in our opinions, even to the extent of submitting to the presence of other worshippers who are prohibited by custom and the Shastras from entering into the temple. It is not in the power of any trustee to say this to the other worshippers in a temple".

This is what the Hon. Judges observed :

"On the contrary, it is the duty of the trustees to maintain the customary usage of the institution, and if he fails to do so, he is, in our opinion, guilty of a breach of trust and still more so, if he deliberately attempts to effect a vital change of usage and to make it binding on the worshippers by obtaining a decree of the court to establish it".

"I do not feel it necessary to read further from the report. The discretion of the trustee and his power has been stated quite clearly. What the Bill seeks to do is quite against the principle laid down repeatedly by the decisions. The power of ascertaining local opinion is given to the trustees. Sir, look at the existing situation. You have got the power under the Hindu Religious Endowments Act to issue a notification and appoint an executive officer and the trustee will no longer be there. The executive officer will be the *de facto* and the *de jure* trustee. Some of them may take the view that a change has come over the public opinion in the country but if some people were to think otherwise, there would be chaos. Just see what has taken place at Madura. What has happened in the Sri Meenakshi-Sundareswarar Devasthanams at Madura could not take place in the adjoining temple at Tiruppuramkundram—it is just a continuation of the town though it is not within the municipal limit. I wonder how the municipal limit has become a determining factor in the consciousness or religious susceptibilities of the people; I wonder how the municipal jurisdiction has given the reforming zeal to the citizens of Madura while those outside it are kept in a conservative zeal altogether. Then the Kudalalagar temple was thrown open to the depressed classes; but to the trustee of a temple a few miles east of Madura and a few miles west of Madura, the dawn of new dispensation has not dawned. It is my submission, Mr. President, that it is a wholly unjustifiable and impracticable thing to invest these trustees with the powers of ascertaining public opinion; I doubt whether their method of arriving at it would be correct or whether they could come to correct conclusions. I feel that there is something very unjustifiable and inexplicable in this.

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"As regards the question of indemnity, I am bound to ask whether the Government by granting it had really come to the rescue of those persons who *bona fide* gave, of their own discretion without reference to other authority, permission to depressed classes to enter the temples, or whether there was an implied promise of support to them if they acted in that manner. (Interruption by Sri T. A. Ramalingam Chettiyar.) I would only like my friend to go about the place and see things. I am not airing my individual conviction. I am with my hon. Friend from Coimbatore . . ."

SRI T. A. RAMALINGAM CHETTIYAR:—"I am only saying that the future has justified the past. What has happened later has justified the action that has been taken by the trustee."

\* SRI T. C. SRINIVASA AYYANGAR:—"I do not think that the Hon. the Premier would at all brief him. The hon. Member says that the future has justified the past. But what about the present with which we are now concerned? (Laughter) It is not a question of the Hon. the Premier pleading on the merits of the reform. A hundred things might be cited to justify it; but what about the method? Why do you entrust the trustee with this power? Why do not you appoint a commission consisting of people who have broad views, men with judgment and ability, to discover whether there is public opinion behind it or not? They can go about and see things and learn for themselves they can report to you and you can make use of it in the place of referendum and ballot box. If they say that parts of the country are thoroughly for it, then you can empower the trustees under proper conditions to carry it out. They may say that the whole country is in favour of it and, if so, the entry can be permitted. But is the method contained in the Bill the correct method? My submission is that there is considerable resentment about it. I tell you, Sir, that there is a considerable feeling in Madura that the whole thing has been thrust on them; Madura has become famous in the country on account of the way in which it has been made to be the genesis of a legal reform—it is not made merely a religious reform; nor is it merely a social reform. The Hon. the Premier has stated that social equality will not ultimately be established unless religious equality is established and no political or economic equality will follow unless social equality was established. Apparently, he feels that the essential fundamental is to alter the legal machinery, the legal precedent and legal conventions."

\* THE HON. SRI C. RAJAGOPALACHARIAR:—"Hear, Hear."

\* SRI T. C. SRINIVASA AYYANGAR:—"If that is your idea, why say that there should be an ascertainment of public



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opinion; why not legislate straightaway saying that temples should be thrown open to the Harijans; why should you place your subordinates on the horns of a dilemma; why do you want him to become an accommodative man for one party and quite implacable for the other? These are difficulties which you should not allow your subordinates to face; you are placing the subordinate officers in a miserable position. I submit, Sir, this is an unwanted piece of legislation and I am opposed to it."

\* MR. J. A. SALDANHA:—"Mr. President, the House is aware that I have taken much interest in the amelioration of the condition of the depressed classes—then called by that name but now called 'Harijans.' When a Bill for the amendment of the District Municipalities Act was brought forward by me—it was a rather comprehensive measure—there was a provision for the excluded classes to the free use of public streets, wells, markets, schools and all other public places; but the Select Committee would not extend it to schools and other public institutions maintained by the State or the local bodies. Previously my friend, Mr. Veerayyan, in his own limited manner brought forward a Bill to provide facilities for the Harijans under the Local Boards Act."

MR. PRESIDENT:—"We are now dealing with the Temple Entry Bill and not with the Harijan problem." (Laughter.)

\* MR. J. A. SALDANHA:—"I am only going to show how this is not a religious problem but a social problem. I think I can speak with some knowledge on this subject and some authority as I am having to my credit an amendment of the District Municipalities Act for the benefit of the depressed classes.

"Now, after studying the facts carefully, I feel the Government have been pursuing, or at least those who are concerned with it have been carrying on, very dubious methods in carrying out their objects. I feel sure that what has been done so far has been done by smuggling by the back door, or it may be by the front door even. Now this Bill, it has been admitted by the Hon. Premier, is to regularize an irregular act, or to convert into a good thing what is bad in law. This Bill tries to cover up a fraud, to indemnify a *zulum*, to indemnify an act not lawful. It is intended to cover up a fraud, an act of *zulum*, as I said."

MR. PRESIDENT:—"The hon. Member will withdraw the word 'fraud.'"

\* MR. J. A. SALDANHA:—"Zulum is a better word. (Laughter.) I withdraw the word 'fraud.' There is a Latin maxim, which says, 'the fact prevails though the act indulged

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in is against law and against equity.' Even so, there is a Sanskrit sloka, which says, 'What is the use of a number of slokas, when the fact is done and remains a fact?' I do not think that maxim should be applied to the case of Madura and a new law be expounded. I can also quote the law with regard to Christian churches in connexion with the duties of a trustee. The trust in connexion with Christian churches is governed by common law, and no form of worship can be changed, no method of ritual or sacrifice can be altered against the explicit terms of the original trust even if the majority of worshippers agree. It is found in Chapter V of the book. I do not want to go into that subject as that is well known.

"The question is how far we are justified in supporting the present Bill. I consider this Bill is quite premature and preposterous and it is putting the cart before the horse. We ought to consider whether by the previous legislation we had succeeded in improving the condition of the depressed classes; whether the provisions of the Local Boards Act and the District Municipalities Act had been fully carried out and the depressed classes had been allowed to avail themselves of the public roads, public wells, etc. So I say, this is not a religious question, but it is a social question. And in this connexion I do not want to go into the question of mutts. But I will point out it is only a social question and not a religious question. These people who are now kept out of temples, who are now called Adi-Dravidas, were the aborigines in the land. When the Dravidians conquered the land they drove the aborigines into the forests, and thus they were not allowed into the pale of their social body. Thus, not only politically but socially they were outcastes, just as the Indians are now treated in South Africa. These aborigines were thus kept out of temples on account of the social ostracism adopted by the conquerors. Now, the main question to be decided is: 'Has the sentiment of the conqueror over the conquered been got over?' On this matter I may refer the House to the judicial decisions of the Madras and Bombay High Courts. What the decisions say is that public sentiment, or what is called public conscience, should be the judge to decide the necessity for social reforms. The opinion of high-placed persons, the opinion of reformers, do not constitute the opinion of the main body of people. There has been a slow process of reform in this matter. The question then is whether it is not premature now to bring forward this legislation by the State. No doubt it is the view of Mahatma Gandhi that temples should be thrown open to Harijans. But what about the views of the Harijans? Have they sought for it? If so, where have they made that expression? I do not think any member of that community has so far sought to bring legislation



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in this form of what is really a forcible entry. Nor do I see that public opinion is favourable to temple entry in the way it is sought. Have the temples so far thrown open to Harijans been used by the caste Hindus? It is, further, I say, not a religious question but a social question. There are several churches in India which are used by Europeans only. In those churches Indian Christians are not allowed except perhaps to kneel and pray in a wing of the building: and there are some churches intended solely for Europeans where Indian Christians are refused admittance. If you go to Trichinopoly and other places in South India, you can see in the churches Indian Christians kneeling and offering prayers from one corner or a wing of the main church. So the present Bill is forcing you to use violence, it is imposing on you the use of violence; directly against the Gandhian doctrine of non-violence. In short it says, even if the people are not prepared for temple entry, it will be forced on them by violence. Therefore, I say the measure is premature; it is against the fundamental maxims of Hindu religion and therefore, I regret, I have to oppose the Bill."

\* SRI D. MANJAYYA HEGDE:—" I am not at all in support of this Bill. The Bill is alarming and there is much confusion. More responsibility is thrown upon trustees of temples by this Bill. It is not clear by what system or method the trustee can sense the public opinion as to the entry of Harijans into the temples. Suppose the public are not for this temple entry by the Harijans and the trustee is for such entry, there is no provision to effect this reform. Again the trustee cannot on his own responsibility put forward this measure. If he does so, the public will boycott the temple and on the whole the temples may become unpopular and the people who are called caste Hindus may stop giving any endowments to these temples. On the whole these temples will be ruined. It is nothing but sparing the rod and spoiling the child. I think the Government will become unpopular by introducing this Bill. As regards our district, public agitation as regards this temple entry is not at all so intense. Therefore, I think, it is not at all necessary to introduce this Bill at present."

\* MRS. MONA HENSMAN:—" Mr. President, I only crave a few minutes of your attention, because I know that there is a good deal of business to be done this morning. But I am happy with a full and most sincere heart to congratulate the Premier on having brought forward this Bill. We have heard several arguments against it. As an Indian Christian I am sorry to have to confirm some of the statements of a fellow Member, but I do not think that these are arguments to be used against this Bill. (Hear, hear.) To my mind, all the facts that he has adduced are in favour of introducing a Bill such as this, because those are

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most regrettable facts that he has referred to and facts that, in any religion, would be regrettable. And as we know the Hindu religion—if you will excuse a personal reference, Mr. President, both my grandfathers were Hindus—we feel for what was our own religion so short a time ago and I dare to say that the repercussions and reflections and the vibrations that take place in a religion that was ours so lately, are still carried on unhappily into the present form of Indian Christianity; if a Bill such as this were to come, I have no doubt that the regrettable facts that have been referred to will naturally, and of themselves, fade away. I refer to the regrettable facts with a foundation that is purely religious—those, defending religion and social conditions such as in South Africa probably would need other remedies.

“This House has always been in favour of progress and helping forward the full forces, the spiritual forces of our country, to be realized in action and this Bill is one of the most eloquent and one of the best Bills that was brought forward.

“Finally as a woman, I want to mention that all our organizations, the All-India Women's Conference, the Women's Indian Association and every association that we have had and that is best known in this country, have for the last ten years and more worked for a Bill like this; we have worked for this as much as for anything like the Sarada Act or anything else that is a piece of social reform. This may be a religious or a social reform with either foundation and it may be classed in either category. This Bill will go down in the annals of our country and the speech we have just heard from the Hon. Prime Minister will be handed down to history, not in the history books of our country only because we men and women will have it in our text-books, but it will go further than that. It will go into the hearts and homes of the people, because we women approve of a Bill like this and we will carry it everywhere. I sincerely congratulate the Hon. the Premier on the introduction of this Bill.” (Hear, hear.)

THE RT. HON. V. S. SRINIVASA SASTRI:—“Mr. President, I fear I shall be occupying the attention of the House for a little time. I only . . .”

MR. PRESIDENT:—“You can sit down and speak.”

THE RT. HON. V. S. SRINIVASA SASTRI:—“Many thanks for this indulgence. I am afraid I shall occupy the attention of the House for a little time and we won't be able to rise at one o'clock.”

MR. PRESIDENT:—“No, we will sit till two o'clock.”

THE RT. HON. V. S. SRINIVASA SASTRI:—“Sir, when I first read in the papers that the Hon. Premier has promised legislation to indemnify the principal actors in the drama at Madura on the 8th July, I felt that while there would be very general



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agreement as to the aim that should be attained, there could not be the same agreement as to the means that we propose. I fear it might be my duty to accuse the Premier of having forgotten, in his enthusiasm for a certain reform, the golden rule that in public matters of primary importance the means are just as valuable as the end, and an administrator charged with the responsibility of ruling the affairs of a Province ought to be very careful that he did nothing even by way of promoting a great aim which might be questioned. To-day, Sir, the Hon. the Premier has made a speech in which he has openly admitted that he is bringing in this Bill regardless of law, regardless of form, regardless of regularity and regardless of those ordinary restraints that bind those who handle public affairs. I did not expect at all that he would make so bold, if I may say so, so bare-faced, a claim to adopt any means to secure an end which he had, may be in his mind right and proper. I am not one of those who think, as I said before, that he does not justify the Bill; but we must be very careful, very scrupulous, very tender as to the means we employ, for we are here not to achieve a triumph for the day, but to achieve a triumph that lasts and to achieve it in ways and by measures that will stand the test of public scrutiny and public criticism. I may venture another word on this head. I can say that the Mahatma will deplore any action on the part of his followers, on the part even of any of his friends like me, which seemed to proceed on the assumption that so long as there was a growing grievance, so long as there was a grievance universally admitted to be such, it did not matter what we did, provided we knocked that grievance on the head. It does matter, Sir, a good deal. And I would venture to say to-day one or two things in justification of this proposition that the proposed means do exalt the means of the Opposition to which they are not entitled."

THE HON. SRI C. RAJAGOPALACHARIAR:—"Exalt the ends?"

THE RT. HON. V. S. SRINIVASA SASTRI:—"Exalt the means to which they are not entitled."

"Mr. President, I must first say a word of personal explanation like others. I am a friend of the temple entry movement and I am very anxious that the reform should be effected with the least possible delay and with the least possible harm to the general harmony of the community. I am not in a way a social reformer, I never have been, but what are we about to do? We are invited to employ for this great purpose a machinery of administration known as 'indemnity legislation.' I know, Sir, that our friend opposite and the Harijan community say that they do not care for precedent, that they are doing something never before attempted in the history of the world and therefore a mere example quoted from history or previous administration will not be able to help

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even though repeated in different tunes. If an indemnity legislation is undertaken, some of us would like to examine what an indemnity legislation is generally intended for, what its real nature is and whether the circumstances of the moment and the purposes for which it is intended to be applied are such as will justify a resort to this extreme measure as an indemnity. In my time there has been in India a great Bill of indemnity. There has also been a great Bill of validation. I was present when that Indemnity Bill was passed through the Indian Legislative Council. Sir, that Indemnity Bill, like other indemnity Bills known to history, was undertaken for the purpose of giving protection to the officers of the Government who had been employed under the authority of the Government to quell a widespread and deep disturbance which involved loss of life and loss of property on a colossal scale. Officers employed on their duty were no doubt performing their legal functions, but it would have been impossible for them to avoid certain things which exceeded the law and which exceeded the necessities of the case. That was the very nature of their task. Every now and then many difficult circumstances would arise and those executive officers would be unable to ascertain whether the action that they proposed to do in that emergency was right and was within their competence or that of the Government. In such cases, it is no wonder that many an officer let himself open to attack in courts of law. Any Government on such an occasion would like to prevent their officers from being arraigned for damages or terms of imprisonment the courts may award. An indemnity Bill is undertaken upon such occasions. To protect officers employed by Government on lawful duties, but being obliged by the very necessity of their occupation here and there, inadvertently to transgress the provisions of the law—an indemnity in such circumstances is justifiable; we know of such. In the present instance, was there a disturbance in Madura which the officers of the Government and the trustees and other people

1 p.m. were called upon to quell? Were they engaged in the task that I have described, and were they likely in the discharge of that legal duty now and then to lose the propriety enjoined on them? Nothing of the kind, Sir. The disturbers of the peace were the officers of the Government and the trustees initially, and later on they were the people who did harm to the peace at Madura. I do not say he ordered it; I do not say he wanted it in ways obnoxious to the morality or general principles of propriety. But they were the people who disturbed the regular order of things. I saw from certain statements made by the Hon. Premier that they were not acting under the orders of the Government. And yet the Government go to their protection and invoke this machinery intended for one purpose for a quite different purpose in which the people of two schools of opinion in social and religious matters were involved and had exposed themselves to pains and penalties such as were



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involved there. I venture to state, Sir, that this is a perversion, a gross abuse of the principle of indemnity legislation known to the practice of Governments heretofore. (Hear, hear.)

“ But there are other important aspects to be considered and I do not want to dwell too long upon this. The Premier makes, it seems to me, a great mistake in claiming for a good cause such as he has more than its due. In making statements to a general audience like this, composed it may be of seven-eighths of his own followers and one-eighths at least of people of a different way of thinking, it is not open to him, it is not wise on his part, to lay claims which may be challenged. For instance, to the arrangement come to in the year 1932 in Poona he has been in the habit of assigning an importance which does not belong to it. He calls it—and I know other people like him have called it—a pledge binding on the Hindu community of India. Certain very important and leading Hindus were present; many influential Hindus lent their support to that document. Sir Tej Bahadur Sapru and many another whose name is not less important than his, gave this undertaking. We know, Sir, that that was obtained under a sort of moral coercion. They agreed to certain things in such circumstances and no one will forget, Mr. President, how in Bengal the entire Hindu community repudiates that pact. It has done such injustice to the Hindu community and put them in a position of inferiority in Bengal. They say they were not consulted properly; they had no time to consider the matter at all, and they are now suffering the consequences of a pact which was enforced upon them in circumstances over which they could not exercise proper control. That is a disability under which the promoters of that contract laboured. I think it is well to remember that fact and not thrust it upon all sorts of people. There is an undertaking which we must carry out. It is not possible to give it that paramount claim. I was not present at the time, but I am quite willing to state that I will not stand up on a platform and say that it was upon all grounds just and proper, that it was based upon an all-round consideration of the very complex and difficult issues involved and that it is entitled to be in law binding on everybody. When we advocate claims we must pitch them at the proper level. Otherwise they are open to challenge.

“ Now I have to put a question beforehand. The Hon. Premier will not mistake my feelings and words. I am only putting forward arguments, but as is my habit I show my hands and I seem to turn this way and that. Do not suppose that I am under the influence of a violent emotion of antipathy to this measure or anything of that sort. Now, Sir, the Hon. Premier the other day said in another place that he had to get an ordinance issued and get it approved because the Legislature was not then in session and

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there was great hurry. It is perfectly true. I am not against his having taken an ordinance for this purpose at all. In fact I said to many of my friends that he was perfectly justified in getting an ordinance issued. But he said that the Legislature was not in session, and he half-playfully turned to the Speaker and said, 'You were not then, Sir, within easy reach.' I do not know where the Speaker was at the time. (An hon. Member: 'At Simla.') Well, Mr. President, the Legislature of Madras has two Houses. If the Speaker was away and the time taken for a telegram to reach him may be four hours, where had the President of the Legislative Council gone?" (An hon. Member: 'He was there too.') (Laughter)

THE HON. SRI C. RAJAGOPALACHARIAR:—"It does not affect your argument."

THE RT. HON. V. S. SRINIVASA SASTRI:—"Was it not possible to get at these people and ask them to come down for this paramount purpose? Was it not possible?"

MR. PRESIDENT:—"No."

THE RT. HON. V. S. SRINIVASA SASTRI:—"Your duties were such that you would not have remained."

MR. PRESIDENT:—"The Conference had been arranged on particular dates. So we could not come back."

THE RT. HON. V. S. SRINIVASA SASTRI:—"Mr. President, I must accept your word. Still I believe that if the Prime Minister had cried out for succour and sent his S.O.S., you would not have said, 'I am doing very important work.'"

"I am going just to say a word on this ordinance. I am, Sir, of opinion that when the Prime Minister found that the Bill he had already published had no chance of being passed by both Houses and receiving the assent of the Governor in good time to stay the proceedings in Madras in court, he was entitled to use any means at his disposal for this purpose. And, as section 88 always bespoke and spoke beforehand the initiation of the Ministers themselves, it did not seem to derogate in any way from the position that he used this section for saving a situation which otherwise threatened to become very acute.

"But I am concerned about the measure itself. This legislation is to indemnify and also to authorize them beforehand to take a certain step. May I draw the attention of the Council for a minute to the terms of the section chiefly relevant to our purpose? Clause 3 says: 'If in the opinion of the trustee or other authority in charge of any Hindu temple in the Province of Madras the worshippers of such temple are generally not opposed to the removal of such disability . . . .'. The trustee is the last man who should be told to say in a particular matter of importance that people are



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generally in its favour, either for purposes of law or for the purposes of a court of law. How do you lay upon an unfortunate trustee the duty of determining whether the worshippers of a temple are generally in favour of temple entry? How is he to perform that duty if he is a man with any sense of responsibility? Have you prescribed for him any particular method or means of ascertaining this opinion? Who are the representative worshippers whom he would ask? Are ten letters sufficient, fifteen letters, twenty letters, coming from people occupying different places? Will that do? Sir, it seems to me to be laying upon the trustee an amount of responsibility which, if he is a proper-minded man, he cannot discharge but which, if he is not a man of proper calibre, will make him proceed to discharge in the most embarrassing and improper manner. It is not proper without definite instruction to give the trustee power to determine whether worshippers are in favour of this or not, and that this should be done provided the Government approve of it. How are the Government to determine? What is the agency that they will set up? The trustee is the man on the spot and, generally speaking, his word carries sufficient weight with the Government. Sir, it is time for me to say that this Government who lightly undertake legislation of this indemnificatory character for the purpose of carrying out a piece of social reform when nobody has offended, nobody has violated the law and nobody has disturbed the public peace, this Government are not to be trusted with the power of determining whether in a given case the trustee's opinion was formed on proper grounds. Unless the law itself lays down the conditions under which the trustee should say anything of this nature and under which the Government should accord their approval to the statement the law is not only imperfect but it is so vague and can work nothing and continue. Now, then, that is perfectly clear. 1-15  
p.m.

“Supposing, however, that a mistake has occurred, that both the trustee and the Government have gone wrong in a particular matter. If the sequel proved as it is proved in Madura that the confidence with which the early reformers took the first step was somewhat misplaced, what is the remedy? Supposing such a thing comes in in a given case, how is the worshipper to go about? The trustee has given his opinion. The Government have accorded their approval. Harijans have gone into the temples and taken part in the worship. Supposing, however, it turns out—though it is an assumption on my part—that the minority only were in favour of this measure, how is the majority to find a remedy? Does this Bill provide any remedy for that purpose? It leaves a big gap; it leaves no loophole, no way of escape where a big mistake has occurred. Our Premier has told the public that he has not gone back upon the original Malabar method of referendum and taking the majority opinion. He says that this is only an additional or

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supplementary method for a certain class of cases where the trustee senses the general opinion. I wish, Sir—I wish with all my heart—that I have the power even in a very small degree of sensing the atmosphere around me in a matter where the deepest feelings are involved and the most ancient traditions are concerned. It is very wrong to ask the trustee to sense the atmosphere and act on it. It is very, very hard. I would not be a trustee if I am loaded with that tremendous responsibility; and if I were the trustee in charge of a temple with my authority proceeding from Dr. Rajan and I do not act for six months or a year in conformity with the general policy of this Government in pushing this reform, where should I be? (The Hon. Sri C. Rajagopalachariar: 'Continue there.') I must prepare the ground and as soon as ever my position becomes to some extent secure I must announce, 'The hour has struck. I am going to take action.' A man must be superhuman who knows how to choose the time for such a purpose.

"The Hon. the Premier says that this is supplementary legislation. But it appears to me that this Bill in reality will become a superseding piece of legislation. The other method will not be applied. Upon his own showing it creates acerbity. It is attended with difficulties. It is a method slow and uncertain in operation. But what are we engaged upon? We are engaged upon a reform that has waited for thousands of years, upon a reform on which society is divided most hopelessly, there being, in the Prime Minister's own words, an impossible and constant opposition to us! We are engaged in the wrecking of this ancient evil. Is a year or two too long to wait? Is not the unfortunate community to which you and I happen to belong—a community where our fathers and mothers were temple-goers and were ardent temple-worshippers—shaken by us as the result of western education? But are there not thousands and thousands of people who are not criminals, who are not hereditary oppressors, whom you call the tyrants of the community, who honestly believe that certain exclusions have proper sanction? Is a year or two too long to bring them over to our side?

"This Malabar Temple Entry legislation so loudly hailed, we know, was particularly difficult, but we welcomed it. What chance have we given to it? It is ten months old on the statute-book and here we are told that it has not worked and did not work and must be supplemented by another. I tell you, Sir, that this is the only method that will be adopted. The other method will be for ornamental purposes. There is a famous law in Economics which says that a false coin will drive out a true coin. This is the method that anybody will adopt in preference to the other. What is the good of calling it supplementary? It is superseding or cancelling legislation. There is no mistake about it. Our Prime Minister has said—I have got his words



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here from the newspaper and I know he objects to a newspaper being quoted without his being given an opportunity of saying whether it is correct or incorrect; I think he would not question this—‘There was, however, no doubt that the majority of people were in favour of this reform.’ I take it from a newspaper report of his speech. Of course it was twisted . . . (Laughter) He pleads that the majority are in favour of this reform. Mr. President, I honestly tell you that if I could say the same with conviction, I would be very pleased with the state of things in India. Do I say anything in condemnation of it?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“I have said just now that the majority are in favour of it. But if you let them go, they would not act.”

THE RT. HON. V. S. SRINIVASA SASTRI:—“But my fear is that this is an overstatement. It is one of those beliefs which strong enthusiasm infuses in us and which, on a realistic study of facts about it, is not justified. Our friend, the Premier, is a strong believer in himself. (Laughter) He is a strong believer in his instincts, in his desire to progress. Well, it is a dangerous guide to the appraisal of the situation. I think, Sir, on the other hand, those are more right who believe that this reform appeals to a minority of the community, an influential, enlightened and progressive part of the community, but a *minority*. I do not say that a minority is to be suppressed. But if we are to go into legislation with the idea that a certain view commends itself to the majority, we ought to be careful about the methods by which we ascertain that fact. It will not do to assert. It is not enough for a trustee to go and say, ‘I saw twenty worshippers to-day. They are all in favour’—a proposition upon which a man can venture after he has taken great pains to ascertain in the regular and acknowledged method of vote-taking. It is very easy to dismiss that word as if it has been charged with misuse for two or three generations. Vote-taking is a method with which we are all familiar. Referendum has been known in the history of the world. Why not go to it? It may be painful, difficult; there may be disturbances. But are we now taking a measure which is not going to cause this pain, which is not going to give us disturbance? The Premier himself was present at a scene in Madura when, long after these incidents took place, he saw people injured. He saw them himself in cold blood. Several days after the incident at a public meeting held for the purpose of demonstrating, people began to pelt stones and to abuse one another and strike one another. Is this the method which you can hold up to the public of India as free from the troubles attending upon the Malabar Temple Entry legislation which has not been tried, which has not been put into force and which has not been given to prove itself?”

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1-30  
p.m. " Certainly, if you are going to adopt a method which carried with it the guarantee that the community will acquiesce in it, that it will adopt it quietly, that it will be unattended not merely with physical disturbance, but with that far worse thing, the discontent of the heart which does not know how to express itself for want of a legitimate means of expression, if you are going to adopt such a method, I should be the first to shake the hand of the Premier and congratulate him. I want this measure as much as he. I should like the Harijans to be admitted to equality very soon indeed. But, Sir, we are dealing with a very ancient and well-established abuse which a great many of our people do not regard as an abuse. Men of common sense and patriotism feel that this abuse should not be there. I agree; but all these are considerations that will appeal only to him and to me and to others round about here who are educated in the methods in which he and I have been educated. But, Sir, I come from an orthodox community as he does; I come from an orthodox family. I have orthodox people all around me and, though I am no temple-goer and am not personally involved in the settlement of this controversy one way or another, let me tell you that my heart throbs with sympathy for those poor and ignorant people upon whom the weight of custom sits like an incubus contracting their hearts, depriving them of the ordinary considerations of humanity and, at the same time, consigning them, as it were, to a position in which by a combination of circumstances they are made the instruments of a kind of social oppression and injustice. They have my sympathies to some extent. I regard them as Hindus. They are the people to whom Vasishtha, Vamadeva and Viswamitra belonged. Jamadagni and all those whom Mr. Rajagopalachariar will honour as much as I do also belonged to the same faith. To conclude from this that what was good for them is bad for us and must be discarded for that reason, is bad. All our orthodox friends are of that ancient opinion. They are not to be despised as sinners. They are not to be condemned as tyrants. They are not to be dismissed as people who are permanently and irreconcilably opposed and therefore cannot be taken into consideration on these matters. No. I dissent from that view. They are deluded and misguided as they are standing in a position from which the world has gone far beyond; they are still upholders of an ancient tradition. To the honour—that is not the word which my Hon. Friend, Dr. Rajan, would allow—and the sympathy of that position, they are entitled to. I say, therefore, that in any measure that you adopt, you should go forward with care and not treat them as though they are the criminals of the land on whom the trustees or the commissioners of Government may lay strong hands. They are people in possession both of the temples and of their follies. Let us cure them of their follies; but let us do so upon terms which may be considered honourable by them.



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“ There is just one word more which I must ask the leave of the House to say. In doing so, I tender my apology before anybody objects. Sir, the proposal that we make now, that we should indemnify people who are the soldiers appointed by us in the work of social reform, may easily be applied to-morrow by this very Government to another purpose. Social reform is not the only reform to which we are wedded. We are committed to reform of every kind. Are we not committed to agrarian reform—an age-long grievance under which the tenants suffer from zamindars in certain areas? Mighty volumes have been written; great men have broken their hearts over the condition of the peasants in this Presidency. If to-morrow, becoming twice as strong as he is to-day, my Hon. Friend, Mr. Prakasam, goes into the Telugu areas and says, ‘ Take your rights from the zamindars by force,’ when he comes here his Friend, the Premier, will say, ‘ These fellows have committed illegal acts. No doubt they are illegal acts, but they have done it in pursuance of a reform to which we are committed.’ Agrarian reform has been on the tapis for a very long time. It has not yet been effected. A Committee has sat, but Mr. Prakasam knows as well as I do that redress is still far-off, supposing Mr. Prakasam is too law-abiding a person. (Laughter) But another, committed as he is at heart to the position of the tenantry as against the zamindar, would incite them to rebel against the zamindar and take from him what they consider to be their right. Could he not come to us and say, ‘ Well, indemnify these fellows. They have done it all in good faith. It is theirs. It ought to have been theirs 200 years ago. These zamindars, according to the phraseology of a recent historian, are only the paid servants of Government.’ (Laughter) I would not lay more emphasis on this point. That is the position to which logic would drive us. Of course, the Hon. the Premier may turn round and say, ‘ Don’t talk logic to me.’ I am not talking of logic. I am not going to be guided by logic. (The Hon. the Premier: ‘ Hear, hear.’) (Laughter) This Premier is not going to be always there. There may be another taking his place. He may get tired. I wonder how his nerves stand this strain. He may be retiring even in this month of August (Laughter) when another Premier comes and says, ‘ My predecessor has laid down the lines on which social reform and agrarian and economic reform ought to be done.’ There is the Indemnity Bill which the Assembly granted easily by a huge majority the other day. This servile Council will even grant it by a bigger majority . . . ”

SRI B. BHEEMA RAO:—“ Is ‘ servile ’ parliamentary? ”

THE HON. SRI C. RAJAGOPALACHARIAR:—“ It was a joke.”

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THE RT. HON. V. S. SRINIVASA SASTRI:—"It is not an unparliamentary word. I should have used the word with greater purpose as regards the other House; but that would have been political blasphemy."

THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, I rise to a point of order. Any reference either ironical or otherwise to the character of the other House in these terms is really objectionable. If my Rt. Hon. Friend once says it, every one will consider it proper afterwards."

THE RT. HON. V. S. SRINIVASA SASTRI:—"It will become a precedent and therefore I drop it. The ease with which an improper method is adopted for the securing of a great reform is one of the great dangers to which the Congress majority must be sternly alive. The majority must shake itself every moment and say, 'I am too powerful in the land. I have crushed all opposition. There is nobody there to say me "Nay." Double and treble therefore is my responsibility.' When they take one step forward they must look about and care for the small and lean man more than they would care for a brother member. Restrained by such considerations, the Prime Minister would not have brought this Bill either to the Assembly or to this House." (Applause.)

DR. SIR K. V. REDDI NAYUDU:—"Mr. President, at the very outset, permit me to say that I whole-heartedly support the Bill. As one who has given his assent to the Malabar Temple Entry Bill, I have no other course. At this stage, if I may call this a stage after the masterly speech delivered so admirably by the hon. Member, it is rather difficult for one to add any comment. The hon. Member was vehement, and though I too can be vehement, I cannot claim to reach that diction, that style and that reasoning power of the hon. Gentleman who holds such a high position in society. Sir, we have a duty to perform here; we have a duty to our country, a duty to ourselves which does not permit us to sit in silent admiration in which I have been caught to a certain extent. And I have felt that the speech, logical as it is, reasonable as it is, is yet lacking in what may be said a scheme, or a plan, or an alternative scheme. It may be true, perfectly true perhaps, that the Hon. Premier both in his speeches and the very form in which he has brought this Bill before us, in the very fact of his having obtained an ordinance from the Governor, lays himself open to criticism. But what is the remedy? Both my esteemed friend and Mr. Srinivasa Ayyangar and many others outside this House have told us from the house tops, from the platforms and in the Press, 'We are entirely in favour of temple entry.' And my esteemed friend has gone further, 'Centuries have rolled by, ages have gone by, why can you not wait for one



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or two years more? ' Is my friend certain that if this Bill is not pressed now, the matter could be settled in one or two years? What is the guarantee that some more ages, some more centuries will not hereafter roll by without justice being done, without this injustice being relieved, admittedly going on for centuries? Somebody will have to take the things into his hands. Let me say that the Hon. Premier has taken the courage into his hands, withstood the criticism that has been levelled against him, taking the blame upon himself, the blame to the effect that he is illogical, that his methods were not all those that have been hitherto approved. But, Sir, somebody will have to do it. And he has done it.

" We want, Sir, what is just. I have opposed the Hon. Prime Minister on several occasions,—perhaps I can claim to be the worst critic in this House—on very, very important Bills on which he had set his heart. I go a step further, I am going to criticize him hereafter as well if I feel the need for it, if my conscience tells me that he is wrong—eventually he may be right, and I may be wrong. But on this particular occasion our friends who have criticized the Hon. Prime Minister have not given us an alternative remedy. It is all well and good to say that the indemnity or the reasons for indemnity are not similar to those that have been used hitherto. There has been no breach of the peace on the part of the Harijans or on the part of the orthodox people in order to indemnify these officers or the Endowment department or the officers of the temple. But what is the remedy? Is the Hon. Prime Minister after all this profusely expressed sympathy to hand them over to these courts of law, submit the people on the one side and officers on the other to all the hardships and the expenditure which we know to be the result of all these litigations? And after all, this is not the first time that the Prime Minister expressed his opinion on the matter. When he brought the other Bill the principle has been accepted by both the Houses of Legislature. With what grace, with what sense of justice, with what sense of responsibility can the Hon. Prime Minister hold his hands and sit tight and say, ' Let the courts decide ' ? Twenty years ago, no doubt, some things happened. Worse things happened. My esteemed friend from Madura was giving us a very graphic description of the murders that took place but the very facts that no murder has taken place on this occasion, the very fact that a single blow has not been dealt to the Commissioner or to these depressed classes, that the *bhattars* were willing to render the services in the temples, when these people went in . . . (Inter-ruption.)

" That leads me to the other question—public opinion and numbers. Well, we all know what numbers are. We all know

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what public opinion there is. But yet that public opinion cannot be altogether ignored. It is true that it is the educated section in this country, most of them English-educated, that create opinion in this land and shape public opinion. It is true that the gentlemen sitting on the other side are there to create public opinion. It is equally true some feeble public opinion is always tried to be created on this side. Our newspapers also create some public opinion. But to say that it is a real public opinion, that it is such as exists in Europe or America, is not correct. There are millions of men, millions of women who have absolutely not heard the words 'public opinion' in this country. And yet, Sir, we have to progress. We have to get on. We have to remedy wrongs, admittedly age-long wrongs. And where is the wonder in this?

"I was reading in the Press a speech to the effect that the Hon. Prime Minister did not care a fig for the sanataniests' feelings. *Sanatana dharma* is unchangeable, history tells us. But there is a misreading of history. *Sanatana dharma* has existed from the time of the Vedas, from the time of the Upanishads, right up to our time. But every year, almost at any rate in every generation, there has been change after change coming over. Have hon. Members forgotten the story of the man who afterwards became the Prime Minister of Delhi, the *shastraic* adviser of Janamejaya who found that the marriage was so loose that it was not *sanatana dharma*? He only just wanted to know whether a woman in the house . . . It was the house and the son objected to it. The father said, 'My son, it is right.' Will any Hindu admit that to-day? Was it not abolished, Sir, in the times of Janamejaya himself? Then, what about the numerous things that have happened? Does *sanatana dharma*, for instance, say that a marriage should be performed only by a Brahman? Twenty years ago when I performed the marriage of my daughter, articles appeared in the newspapers because I did not call in a Brahman *purohit* but I called a non-Brahman *purohit* for the purpose. We were told that the marriage was illegal. (Laughter) We were told that the child will be illegitimate. We were told that the parents' property will not go to the offspring of the marriage. But, Sir, the reform has been silently effected. Not only that marriage, but subsequent marriages in my house and for that matter in the houses of many of my friends have been performed by a non-Brahman *purohit*. What became of the *sanatana dharma* there? And why should not similar rules apply here, when the nation finds that a particular section reserves to itself the rights which ought to belong to the entire nation as has been stated by the Hon. Prime Minister, when the nation finds that some people—standing unjustly and wickedly between man and his God, say, 'I will not allow you to approach the God'?



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" My friend stated that he does not attend temples. Sir, in my own humble way I do attend temples. Perhaps there is not a single temple in the whole of Southern India which I have not visited. And there is not a single occasion in my own town of Bajahmundry that I did not actually go to the temple and worship there. I am not boasting; it is a fact. Everybody knows it. And if any doubt is felt in the matter and if I may mention it, I may say that Lady Kurma is also a regular worshipper in temple. I was obliged to say that to show that there are men who actually attend these temples, who know and feel it very strongly.

" There is the grave injustice done to these persons. Our friends admit that. But with all the profusion of sympathy they come forward to oppose a Bill like this. They do not suggest an alternative. I do not myself suspect their sincerity but the general public will not be unjustified, cannot be said to be unreasonable, if they begin to suspect the sincerity of those who profess sympathy and yet stand in the way of remedies sought. Sir, agreeing with my friend Mr. Srinivasa Ayyangar, I should have been very pleased indeed if the Hon. Prime Minister took the courage in both his hands and straightaway said, ' Well, this nonsense will not do. I will not allow it. Here is a decree from the Government of Madras, assisted by the parliament legally constituted. There shall not be any objection for any depressed classes man to come in.' That would have been a straight course and a very reasonable course, too. But unfortunately, or fortunately as I would say, he has become too cautious. On occasions, if you will pardon me the word, he is too rash. But on this occasion he is particularly cautious. He does not want to create any row in the country. (Laughter) He does not want that the priests should refuse to work if these Harijans are permitted. He does not want to hurt the feelings of the sanatanists and as my esteemed friend has spoken, both the Hon. Prime Minister and his principal critic to-day belong to that class. There is the trouble, there is the rub. But, Sir, if the old saying is true that ' half a loaf is better than no bread at all,' I for one, Sir, cannot think of opposing this Bill.

" My esteemed friend's second suggestion was—that was a sort of alternative: why not pass your law straightaway and throw open all the temples? That was what Mr. Srinivasa Ayyangar said. The second suggestion that was thought perhaps more reasonable was: why not appoint a committee, a committee of respectable men, erudite men, consisting both of sanatanists and reformers and the middlecourse men like my hon. Friend there, and then come to some decision? Sir, I remember having heard it said in this Council or elsewhere that the best way of consigning a problem to the archives of the State is to appoint

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a committee. It is admitted that this is an age-long wrong. It is admitted that for centuries and centuries this injustice has been going on and when at last a man rises and says, 'I will do this,' I think, Sir, it is very unfair, very unjust, contrary to your own conscience, and contrary to the progress of the nation to oppose it. Do they expect this country will ever remain like this—the sanatanists? Do they expect that they can stand between man and God in the temples? Do they expect that they can have all the proceeds from the temples by whatever means may be—endowments on the one hand, gifts on the other and vows and all that kind of things? Well, Sir, the spirit of the times does not allow it. We have progressed up to a certain stage where it is impossible to halt. You cannot but do this reform.

2 p.m. “There are others who remind us that this particular reform is quite essential. Everybody admits without any exception that a great wrong is done to the depressed classes in their not being allowed entry into temples. So if this reform is not done, and if I object to this reform, I would be failing in my duty and the nation would be failing in its duty.”

The House then adjourned to meet again at 11 a.m. the next day.

#### VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. Notification appended to G.O. No. 987, Development, dated 17th April 1939, confirming an amendment to rule XV of the rules issued under the Madras Co-operative Societies Act, 1932.

2. Notification appended to G.O. No. 1067, Development, dated 25th April 1939, amending the Madras Commercial Crops Markets (Election) Rules, 1935.

3. Notification appended to G.O. No. 1234, Development, dated 10th May 1939, amending the Madras Commercial Crops Markets Rules, 1935.

4. Notification appended to G.O. Ms. No. 1935, L.A., dated 16th May 1939, directing that the Chirala Municipality shall be abolished with effect on and from the 1st June 1939.

5. Notification appended to G.O. No. 1402, Development, dated 29th May 1939, publishing a rule under sub-section (1) of section 4 of the Madras Commercial Crops Markets Act, 1933 (Madras Act XX of 1933).

\* 6. The Madras Temple Entry Indemnity Ordinance (Ordinance No. 1 of 1939).